

02.07.2025

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Allowed

C.R.M. (NDPS) 535 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with NDPS case no. 21 of 2024 arising out of Chatterjeehat Police Station case no. 204 of 2024 dated 2.10.2024 under Sections 21(c)/29 of the NDPS Act, 1985.

And

In the matter of : **Saurav Aown @ Sourav Aown**
.... Petitioner

Sk. Toslim Ali

Ms. Rituparna Bhadra

...for the Petitioner

Ms. Suveni Banerjee

...for the State

Petitioner submits that 336 liters of phensegrip containing codeine phosphate was allegedly recovered from two principal accused. He further submits that the name of the present petitioner transpired from the co-accused statement but nothing was recovered from the possession of the present petitioner and he is in custody for about 7 months 16 days and as such, he may be released on bail on any terms and conditions.

Learned counsel for the State submits that the prayer for anticipatory bail of the petitioner was rejected by this court vide order dated 11.11. 2024 on the ground that CDR shows that the petitioner had made telephonic communication with the co-accused persons from whom narcotic substance was recovered. However, in her usual fairness, she submits that during investigation, no recovery was made from the possession of the present petitioner following her statement. She further submits that the bail prayer of the present petitioner was rejected by this court on 13.2.2025 when the

investigation was still going on. However, charge-sheet has been submitted on 29.3.2025 and the next date for framing of charge is fixed on 14th July, 2025.

Having considered the submissions made on behalf of both the parties, it appears that during investigation, nothing was recovered from the possession of the present petitioner and though the prosecution has collected CDR during investigation and by which, prosecution tried to raise suspicion stating that there was telephonic communication with the co-accused from whom narcotic substance was recovered but in the absence of transcription of the said CDR, it can be said that such suspicion raised against the present petitioner is not grave suspicion to attract rigour of Section 37 of the NDPS Act. Since the investigation has already been culminated into a charge-sheet and that rigour of Section 37 of the NDPS Act may not attract in respect of the present petitioner, I find that no fruitful purpose will be served by detaining the petitioner any further in the custody, specially in view of the fact that the prosecution has proposed to examine 22 witnesses during trial as per charge-sheet and as such, the prayer for bail is allowed.

Accordingly, the petitioner namely, **Saurav Aown @ Sourav Aown** shall be released on bail upon furnishing a bond of Rs. 20,000/- with two registered sureties of Rs. 10000/- each, of which one must be local, subject to the satisfaction of the learned Chief Judicial Magistrate, Howrah and also on condition that the accused person shall not misuse the liberty granted by this Court and he shall not tamper

with any evidence orally or documentary during the trial. He shall not absent himself on any day during trial and shall not commit any offence while on bail. He shall give his mobile phone number to the local police station and shall not change it without prior permission of the trial court and he shall not in any manner try to delay the trial. The petitioner shall not leave the geographical limit of District of Howrah without taking leave from the court below and shall meet the Investigating Officer, Chatterjeehat Police Station once in a week until further order. The court below will be at liberty to cancel the bail in the event of violation of any of the conditions without making any reference to this court.

Be it mentioned, that anything said herein shall not be construed as an expression of opinion on the merit of the case.

Accordingly, CRM (NDPS) 535 of 2025 is disposed of.

Urgent Photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)